

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,

Plaintiff

v.

ALCON LABORATORIES, INC. and ALCON,
INC.,

Defendants.

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NOTICE OF MOTION TO ADMIT

EMILY J. KIRK AS COUNSEL PRO

HAC VICE

1:08-cv-03669-DLC

FILED
MAY 28 2008
CLERK OF COURT
SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE, that upon the annexed affidavit of Emily J. Kirk,

sworn to May 16, 2008 and the certificate of good standing annexed thereto, the undersigned will move this court before the Honorable Denise L. Cote at the United States Courthouse for the Southern District of New York, Courtroom 11B at 500 Pearl Street, New York, New York for an Order pursuant to Local Civil Rule 1.3(c) granting Emily J. Kirk permission to appear as attorney of record for the plaintiff, *pro hac vice*. In support of the motion, the undersigned states that:

1. I am a member of Hanly Conroy Bierstein & Sheridan LLP, 112 Madison Avenue, New York, NY, co-counsel for plaintiffs, am admitted to practice and am a member in good standing of the Bar of this Court.

2. Emily J. Kirk is a lawyer with the firm SimmonsCooper, LLC, located at 707 Berkshire Boulevard, P.O. Box 521, East Alton, Illinois 62024.

3. Ms. Kirk is a member in good standing of the Bar of the State of Illinois.

4. An affidavit from Ms. Kirk accompanies this application and is attached.

A certificate of good standing from the jurisdiction where she is admitted, issued within the last thirty days as required by Local Rule 1.3(c), is also attached.

5. I respectfully request that given the routine nature of this application, this Court permit this application without an accompanying memorandum of law.

WHEREFORE, I respectfully request that the application for admission of Emily J. Kirk, attorney for the plaintiff, *pro hac vice*, be granted.

Dated: New York, New York
May 21, 2008

Respectfully Submitted,

By: 

Andrea Bierstein

abierstein@hanlyconroy.com

HANLY CONROY BIERSTEIN SHERIDAN

FISHER & HAYES LLP

112 Madison Avenue

New York, New York 10016

(212) 784-6403

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,)
)
Plaintiff) 08-CV-03669
)
v.) AFFIDAVIT OF SERVICE
)
ALCON LABORATORIES, INC. and ALCON, INC.,)
)
Defendants.)

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

I, Julio A. Lucena, being duly sworn, deposes and says: I am over the age of 18 years and not a party to this action. I am employed with the law office of HANLY CONROY BIERSTEIN SHERIDAN FISHER & HAYES LLP, located at 112 Madison Ave, New York, NY 10016. On the 28th day of May, 2008, I served a true copy of the following:

- Notice of motion for admission pro hac vice of Emily J. Kirk

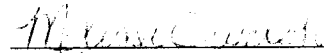
By First Class Mail, upon:

Harry T. Robins, Esq
MORGAN LEWIS & BOCKIUS LLP
101 Park Avenue
New York, New York 10178

By: 

Julio A. Lucena

Sworn to before me this
28th day of May, 2008



Notary Public

Melissa C. Welch
Notary Public, State of New York
No. 02WE6121757
Qualified In New York County
Commission Expires Jan. 24, 2011

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,)	
)	
Plaintiff)	AFFIDAVIT OF EMILY J. KIRK IN
)	SUPPORT OF MOTION TO ADMIT
v.)	COUNSEL PRO HAC VICE
)	
ALCON LABORATORIES, INC. and ALCON, INC.,)	08-CV-3669-DLC
)	
Defendants.)	

State of Illinois)
) ss:
County of Madison)

Emily J. Kirk, being duly sworn, hereby depose and state as follows:

1. I am an associate with the law firm of SimmonsCooper LLC.
2. I submit this affidavit in support of my motion for admission to practice *pro hac vice* in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto I am a member in good standing of the Bar of the State of Illinois.
4. There are no pending disciplinary proceedings against me in any State or Federal court.
5. Wherefore your affiant respectfully submits that she be permitted to appear as counsel and advocate *pro hac vice* in this one case.

Dated: 16 May, 2008

Respectfully Submitted,

By: Emily J. Kirk
Emily J. Kirk
SIMMONSCOOPER LLC
707 Berkshire Blvd.
East Alton, Illinois 62024
(618) 259-2222 – Phone
(618) 259-2251 – Fax
ekirk@simmonscooper.com

Sworn to and subscribed before me this the 16th day of May, 2008.

Debra E. Dunn
NOTARY PUBLIC

(Seal)

My Commission Expires: 1/2/2011

OFFICIAL SEAL
Debra E. Dunn
Notary Public, State of Illinois
My Commission Expires 1/2/2011

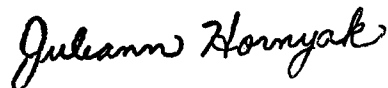
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Emily Jo Kirk

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 8, 2001 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Tuesday, May 13, 2008.



Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SYNERGETICS USA, INC.,

Plaintiff

V.

ALCON LABORATORIES, INC. and ALCON, INC.,

Defendants.

**[PROPOSED] ORDER GRANTING
ADMISSION TO PRACTICE
PRO HAC VICE**

1:08-cv-03669-DLC

Upon consideration of the Notice of Motion for Admission *Pro Hac Vice* of Emily J. Kirk, dated May 21, 2008, and the accompanying Affidavit sworn to on May 16, 2008 it is hereby:

ORDERED that, pursuant to Local Civil Rule 1.3(c) of the Local Rules of this Court, Emily J. Kirk is hereby admitted *pro hac vice* to the bar of this Court for the purpose of representing plaintiff in the above-captioned proceeding.

United States District Judge

Dated: _____, 2008